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Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

'APR 8 1996

FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

In the Matter of)
)
Revision of)
Filing Requirements)

CC Docket No. 96-23
DOCKET FILE COPY ORIGINAL

COMMENTS OF SOUTHWESTERN BELL TELEPHONE COMPANY

I. INTRODUCTION AND SUMMARY

In the Notice of Proposed Rulemaking ("NPRM") in this proceeding, the Commission seeks comment on its proposals to eliminate thirteen reports and to reduce the frequency of six other reports.¹ Southwestern Bell Telephone Company ("SWBT") submits these Comments in support of the Commission's continuing effort to reduce or eliminate all unnecessary regulation and to use its resources more efficiently.

Since the passage of the Telecommunications Act of 1996² (the "Telecommunications Act") the Commission has redoubled its efforts to streamline its regulatory processes. On the same day of enactment of the Telecommunications Act, the Commission adopted a Notice of Inquiry concerning a wide range of Commission practices and procedures in several Bureaus.³ Without expressly acknowledging any connection between the Telecommunication Act and this NPRM, the Commission takes another step in pursuit of its now

¹ FCC 96-64, CC Docket No. 96-23, released February 27, 1996.

² Telecommunications Act of 1996, Pub. L. No. 104-104, 110 Stat. 56, enacted February 8, 1996.

³ Improving Commission Processes, Notice of Inquiry, PP Docket No. 96-17 (released February 14, 1996) ("PP Docket No. 96-17").

earnest efforts to eliminate the burden of unnecessary regulation - in this case the reporting requirements under the Common Carrier Bureau's ("Bureau") authority.

SWBT agrees that the Commission should eliminate the reporting requirements that it proposes to eliminate in the NPRM. However, there are a number of other reporting requirements that the Commission should also eliminate consistent with the Telecommunications Act's goal to eliminate all unnecessary regulation. In these Comments, SWBT explains its reasons for agreeing with the NPRM with respect to several of the reporting requirements proposed to be eliminated. SWBT focuses on the reports applicable to SWBT. SWBT also urges the Commission to eliminate the new services tracking report because the information it contains can be derived from other filings.

II. THE COMMISSION SHOULD PROCEED TO ELIMINATE ALL UNNECESSARY REPORTS.

The Commission should proceed expeditiously to eliminate not only all of the reports identified in the NPRM, but all other unnecessary reports. In its Comments in PP Docket No. 96-17, SWBT's parent company, SBC Communications Inc. ("SBC"), described a number of reports that should also be eliminated.⁴ Each of the following reports discussed in the NPRM should be eliminated right away and all other unnecessary reporting requirements should be

⁴ SBC Comments, PP Docket No. 96-17, filed March 15, 1996.

considered for elimination as soon as possible.⁵

A. Equal Access Progress Report

As the Commission notes in the NPRM, SWBT was one of those that commented previously in favor of eliminating this report. For the reasons set forth in SWBT's previous comments,⁶ SWBT concurs with the elimination of this report.

B. BOC Customer Premises Equipment ("CPE") Report

SWBT also concurs with the Commission's proposal to eliminate the Bell Operating Company ("BOC") quarterly CPE installation and maintenance reports and annual CPE affidavits certifying that a BOC has not discriminated in the provision of network installation and maintenance. As the Commission notes in the NPRM, the record to date has not shown any unlawful discrimination concerning BOC installation and maintenance activity, and no party has filed even a single formal complaint with the Commission alleging unlawful discrimination.⁷ The lack of any such complaints is clear evidence that these reporting requirements are not necessary. They are especially unnecessary in view of the sufficiency of the formal complaint process to address any claims of unlawful discrimination, without the necessity of an

⁵ Given that SWBT only addresses reports applicable to SWBT, SWBT's failure to discuss a particular report mentioned in the NPRM does not mean that SWBT is in favor of retaining any such report.

⁶ SWBT Comments, In the Matter of Report Concerning the Implementation of Equal Access, File No. W-P-C 4955, filed July 14, 1995. Recently SBC recommended that the Part 36 separations treatment of equal access costs should be discontinued as well. SBC Comments, PP Docket No. 96-17, at 5.

⁷ NPRM, ¶ 8.

ongoing reporting burden on all BOCs. Therefore, the Commission should rely on the complaint process to protect against unlawful discrimination and eliminate these reporting requirements.

C. Sales Agency Report

SWBT concurs with the Commission that the requirement to file an annual sales agency report should be eliminated. Given the lack of any evidence that independent CPE vendors have used any of these reports for their intended purpose⁸ and the highly competitive CPE market, continuation of these reports would serve no useful purpose. In addition, the availability of resale of local exchange carrier (LEC) network services under the Telecommunication Act⁹ should render these reports even more useless.

D. Billing and Collection Contracts

Because reporting of lists of contracts for this untariffed, competitive service does not assist the Commission in performing any ongoing regulatory functions, SWBT concurs with the Commission's proposal to discontinue this reporting requirement.¹⁰

E. Inside Wiring Services Report

This report was adopted in 1992 for purposes of

⁸ NPRM, ¶ 9.

⁹ Section 251 (c) (4).

¹⁰ Other parties filed comments in support of eliminating this requirement in response to the Commission's 1992 Public Notice inviting comment on the issue. See, e.g., Letter dated June 26, 1992 from Gail L. Polivy, Senior Attorney, GTE Service Corp., Commission Proposes Relieving Local Exchange Carriers of Reporting Obligation for Billing and Collection Contracts, Public Notice, 7 FCC Rcd 4042 (1992).

monitoring the impact of state or local regulation on the Commission's pro-competitive inside wiring policy. As the Commission recently acknowledged, the market for inside wiring services has become more competitive as a result of the Commission's deregulation of inside wiring.¹¹ Given that (1) the goal of promoting competition in the inside wiring market has largely been fulfilled without any assistance from these reports and (2) the Commission has not made any changes to its inside wiring policy as a result of information submitted in any of these reports, continuation of these reports is not justified by the remote prospect of any future use.

F. New Services Tracking Report

The Commission proposes to reduce the frequency of this report from quarterly to annual because annual reports will accomplish the purpose of this reporting requirement.¹² As SWBT explained in its previous comments on this issue filed in CC Docket No. 92-275, the information provided in these reports can be

¹¹ Telecommunications Services Inside Wiring, Notice of Proposed Rulemaking, CS Docket No. 95-184, released January 26, 1996, at ¶¶ 4, 41, 46.

¹² NPRM, ¶ 18. While the Commission notes that none of the parties commenting on this issue in 1993 opposed the proposal to reduce the frequency of filing this report, id. n. 33, what the Commission failed to note is that several parties questioned the need for the report or recommended that the reporting requirement should terminate after the initial report. Ameritech Comments at 1; BellSouth Comments at 2; NYNEX Comments at 2, New Service Reporting Requirements Under Price Cap Regulation, CC Docket No. 92-275, filed March 29, 1993.

derived easily from other filings.¹³ Therefore, given that the purpose of this report can be accomplished without requiring the report to be filed, the report is redundant and should be eliminated.

G. Other Reports

The Commission should also eliminate all other unnecessary reports. Even if the Commission decides not to eliminate an entire report, it should review other reports to eliminate unnecessary and duplicative information. For example, as the Commission has acknowledged in its March 20, 1996 Order in this docket, all of the ARMIS reports need to be reviewed to determine the extent to which they are still needed and to simplify their content and form in light of the Telecommunications Act.¹⁴ In the separate proceeding to address ARMIS filing requirements, SWBT intends to recommend the elimination and revision of a number of ARMIS reporting requirements. Similarly, the Commission should review its transmission infrastructure reporting requirements to eliminate unnecessary reports or detail and to consolidate separate reports that contain the same or similar information.¹⁵

¹³ SWBT Comments, New Service Reporting Requirements Under Price Cap Regulation, CC Docket No. 92-275, filed March 29, 1993, at 2. See also Bell Atlantic Comments, id., filed March 29, 1993, at 2.

¹⁴ Revision of Filing Requirement, Order, CC Docket No. 96-23 (released March 20, 1996) at ¶ 5.

¹⁵ Transmission infrastructure reporting requirements that should be reviewed for elimination or simplification include Form E-4928, Report of Plant Mileage; ARMIS Infrastructure Report 43-07; Annual Fiber Survey Report; and ARMIS 43-08, Schedule S-1, Outside

III. CONCLUSION

The Commission should proceed without delay to eliminate all of the reports discussed in Part II of the NPRM. In addition, instead of reducing the frequency of the new services tracking report, the Commission should eliminate it. The Commission should also proceed with a prompt, comprehensive re-examination of all other reporting requirements.

Respectfully submitted,

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April 8, 1996

CERTIFICATE OF SERVICE

I, Liz Jensen, hereby certify that the foregoing
Comments of Southwestern Bell Telephone Company, in CC
Docket 96-23, have been served this 8th day of April, 1996
to the Parties of Record.

Liz Jensen
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April 8, 1996

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